

ORDINANCE NO. 03-__

AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-1 LEON COUNTY ORDINANCE TO PROVIDE FOR A PROCEDURE FOR ALLOWING A BOUNDARY LINE SETTLEMENT TO ADJUST THE COMMON BOUNDARY LINE BETWEEN TWO PARCELS OF PROPERTY THAT ARE OWNED BY MEMBERS OF THE SAME FAMILY AS DEFINED IN CHAPTER 163.3179, FLORIDA STATUTES FOR THE SOLE PURPOSE OF ALLOWING THE CONSTRUCTION OF AN ADDITION TO AN EXISTING SINGLE FAMILY HOME AND PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

SECTION 1. Chapter 10, Section 10-1 is hereby amended to provide as follows:

Subdivision shall mean:

(2) The following are not subdivisions but require the developer or landowners to comply with all other applicable ordinances. The developer or landowner shall file an affidavit ~~as required in subsection (3) of this definition~~, and shall record the division of the property or adjustment of property description in the public records of the county.

(3) When the adjustment of property lines and property line descriptions as outlined in (2)(a), above, is between properties that are owned by members of the same family as defined in Chapter 163.3179 of the Florida Statutes, and boundary adjustment is for the sole purpose of allowing the construction of an addition to an existing single family home, the landowners of the properties involved shall be exempted from the affidavit recording provisions of this section upon

demonstration to the County that the properties comply with the ownership requirements established in this section, and the resulting properties are in compliance with the applicable provisions of the County's Land Development Code.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

SECTION 3. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. The effective date of this ordinance shall be August 1, 2002 and shall become effective as provided by law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ day of _____, 2003.

LEON COUNTY, FLORIDA

By: _____
Tony Grippa, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

By: _____
CLERK

APPROVED AS TO FORM:

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____
HERBERT W.A. THIELE
COUNTY ATTORNEY

BoundarySettlementOrdinance.wpd

DRAFT